PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | |
|---|---|---|
| In re Application of | : Martin SCHOLZ | Confirmation No.: 1446 |
| Application Number | : 10/591,470 | |
| Filed | : September 1, 2006 | |
| Title | : LEUKOCYTE STIMULATION MATRIX | |
| TC/Art Unit | : 1644 | |
| Examiner: | : Phuong N. HUYNH | |
| | | |
| Docket No. | : 0060.0002 | |
| Customer No. | : **39878** | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a Restriction Requirement dated January 9, 2008, the Examiner required restriction under 35 U.S.C. § 121 and 372 between Group I, claim 4; Group II, claims 4-6 and 18; Group III, claims 4-5; Group IV, claims 4-5; Group V, claims 4-5; Group VI, claims 4-5; Group VII, claims 4-5; Group VIII, claims 4-5; Group IX, claim 4; Group X, claims 4-5; Group XI, claims 14-15 and 24; and Group XII, claim 25. Applicant elects to prosecute Group II, claims 4-6 and 18 drawn to a leukocyte stimulation matrix.

The restriction requirement is respectfully traversed. Applicant traverses the restriction requirement on the grounds that the Office has not shown that all of the claims in the invention are not linked to form a single inventive concept. "A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is

defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art." PCT Rule 13 and M.P.E.P. 1893.03(d).

In response to the Examiner's statement on page 5 of the Office Action that "since Applicant's inventions do not contribute a special technical feature when viewed over [U.S. Application No. 2003/0129214] they do not have a single general inventive concept and lack unit of invention," Applicant respectfully disagrees. U.S. Application No. 2003/0129214 teaches methods for enhancing the biocompatibility of a medical device implanted within a living portion of the body, comprising contacting a portion of a living body that is in contact with an implanted medical device with a specific monocyte chemoattractant protein (MCP-1) antagonist to inhibit chronic inflammation induced by the presence of the medical device or fibrous encapsulation of the medical device. *See* page 1, para. [0006]. The MCP-1 antagonist polypeptide inhibits MCP-1 (a chemoattractant cytokine known to promote the migration and activation of monocytes) protein expression in the portion of a living body which contacts the implanted medical device. *See* page 4, para. [0037]. In other words, the MCP-1 antagonist polypeptide inhibits or suppresses MCP-1 protein activity, which would otherwise promote monocyte (leukocyte) activity, to enhance the biocompatibility of a medical device implanted into any living body.

However, the present invention teaches leukocyte stimulation matrices for stimulating leukocytes and/or induction of immunological tolerance, wherein "leukocyte stimulation" means that previously conditioned immune cells are specifically enhanced in their immune response, and "induction of a tolerance" means that an anergy of

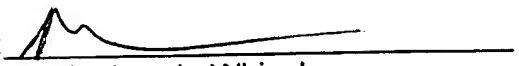
leukocytes is induced toward a specific antigen, which means that an inactivation takes place. *See* page 2 of present specification. Thus, stimulating or enhancing the immune response of leukocytes and the corresponding induction of tolerance is a technical relationship that links Groups I-XII and distinguishes them from U.S. Application No. 2003/0129214. For at least this reason, Groups I-XII are linked so as to form a single general inventive concept and restriction is improper. Applicant respectfully requests withdrawal of the restriction requirement.

Accordingly, Applicant respectfully requests that claims 1-25 continue to be examined in this application. If the Office chooses, however, to maintain the restriction requirement, Applicant expects that claims 1-3, 7-13, and 19-23 will be examined along with claims 4-6 and 18, which are presently elected as Group II. Applicant also expects that the Office, if the elected product is found allowable, will continue to examine the withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim, as required according to M.P.E.P. §821.04 and 37 CFR 1.104.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-2961.

Respectfully submitted,

Dated: February 11, 2008

By: 

Matthew L. Whipple
Reg. No. 47,217